

# County Council Of Howard County, Maryland

2011 Legislative Session

Legislative Day No. 8

Resolution No. 119 -2011

Introduced by: The Chairperson at the request of the County Executive

A RESOLUTION declaring that a total of approximately 64.664 acres of real property owned by Howard County and identified as (1) a portion of the road bed of Sterling Drive and Whiskey Bottom Road and (2) certain open space parcels, are no longer needed for a public purpose and authorizing the County Executive to waive the advertising and bidding requirements of Section 4.201 of the Howard County Code in order to convey the property to the homeowners association serving the adjacent properties, Emerson Development HOA LLC; and providing that the County Executive is not bound to convey the property if he finds that the land may have a further public use and submits his finding to the County Council for its consideration.

Introduced and read first time July 5, 2011.

By order Stephen M LeGendre  
Stephen LeGendre, Administrator

Read for a second time at a public hearing on July 18, 2011.

By order Stephen M LeGendre  
Stephen LeGendre, Administrator

This Resolution was read the third time and was Adopted ☒, Adopted with amendments ☐, Failed ☐, Withdrawn ☐, by the County Council on July 28, 2011.

Certified By Stephen M LeGendre  
Stephen LeGendre, Administrator

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1       **WHEREAS**, Howard County is the fee simple owner of certain real property known as a  
2       portion of Sterling Drive containing approximately 2.436 acres of land, as shown in the attached  
3       Exhibit A, sheets 1 and 2, located east of the interchange of Interstate 95 and Md. Route 216 as  
4       laid out and shown on a plat dated December 16, 2002 and recorded among the Land Records of  
5       Howard County, Maryland as Plat No. 15788, and a plat dated January 16, 2003 and recorded  
6       among the Land Records of Howard County, Maryland as Plat Nos. 15829 and 15831; and

7  
8       **WHEREAS**, by passage of Council Resolution No. 112-2011, the County Council closed  
9       the above referenced portion of Sterling Drive and that portion of Sterling Drive can now be  
10      disposed of in accordance with County law; and

11  
12      **WHEREAS**, by passage of Council Resolution No. 113-2011, the County Council closed  
13      a portion of Whiskey Bottom Road, a prescriptive right-of-way, and the County may now quit  
14      claim its interest in such portion of Whiskey Bottom Road, as shown in the attached Exhibit B,  
15      sheets 1 and 2, in accordance with County law; and

16  
17      **WHEREAS**, Howard County is the owner of certain real property designated as open  
18      space and known as: (i) Parcel D containing approximately 29.397 acres of land as shown on  
19      plat numbers 15829 and 15832 recorded among the aforeseaid Land Records at Liber 7679, folio  
20      548, (ii) Parcel E containing approximately 9.348 acres of land as shown on plat number 15830  
21      recorded among the aforeseaid Land Records at Liber 7679, folio 548, (iii) Parcel H containing  
22      approximately 3.956 acres of land as shown on plat number 15830 recorded among the aforeseaid  
23      Land Records at Liber 7679, folio 548, (iv) Parcel I containing approximately .632 acres of land  
24      as shown on plat number 15830 recorded among the aforeseaid Land Records at Liber 7679, folio  
25      548, (v) Parcel M containing approximately 14.537 acres of land as shown on plat number  
26      15787 recorded among the aforeseaid Land Records at Liber 7562, folio 171, and (vi) Parcel N  
27      containing approximately 2.485 acres of land as shown on plat number 15786 recorded among  
28      the aforeseaid Land Records at Liber 7562, folio 171; as shown in the attached Exhibit C; and

1           **WHEREAS**, the portion of Sterling Drive, any interest in Whiskey Bottom Road, and  
2       Parcels D, E, H, I, M and N all comprise the "County Property" and total approximately 64.664  
3       acres; and  
4

5           **WHEREAS**, the owners of the property adjacent to the County Property are Emerson  
6       Development II LLC, Emerson Development III LLC, Emerson Development IV LLC, Emerson  
7       Development V LLC, Emerson Development VI LLC Emerson Development VII LLC  
8       (collectively, "Emerson Development LLCs"); and  
9

10          **WHEREAS**, Emerson Development HOA, LLC ("Emerson Development HOA") has  
11       been established to serve the Emerson Development LLC's property and the Emerson  
12       Development LLCs have asked that the County Property be disposed of in accordance with  
13       Section 4.201 of the Howard County Code to Emerson Development HOA; and  
14

15          **WHEREAS**, the Department of Public Works has reviewed and approved the proposed  
16       disposal of the County Property; and  
17

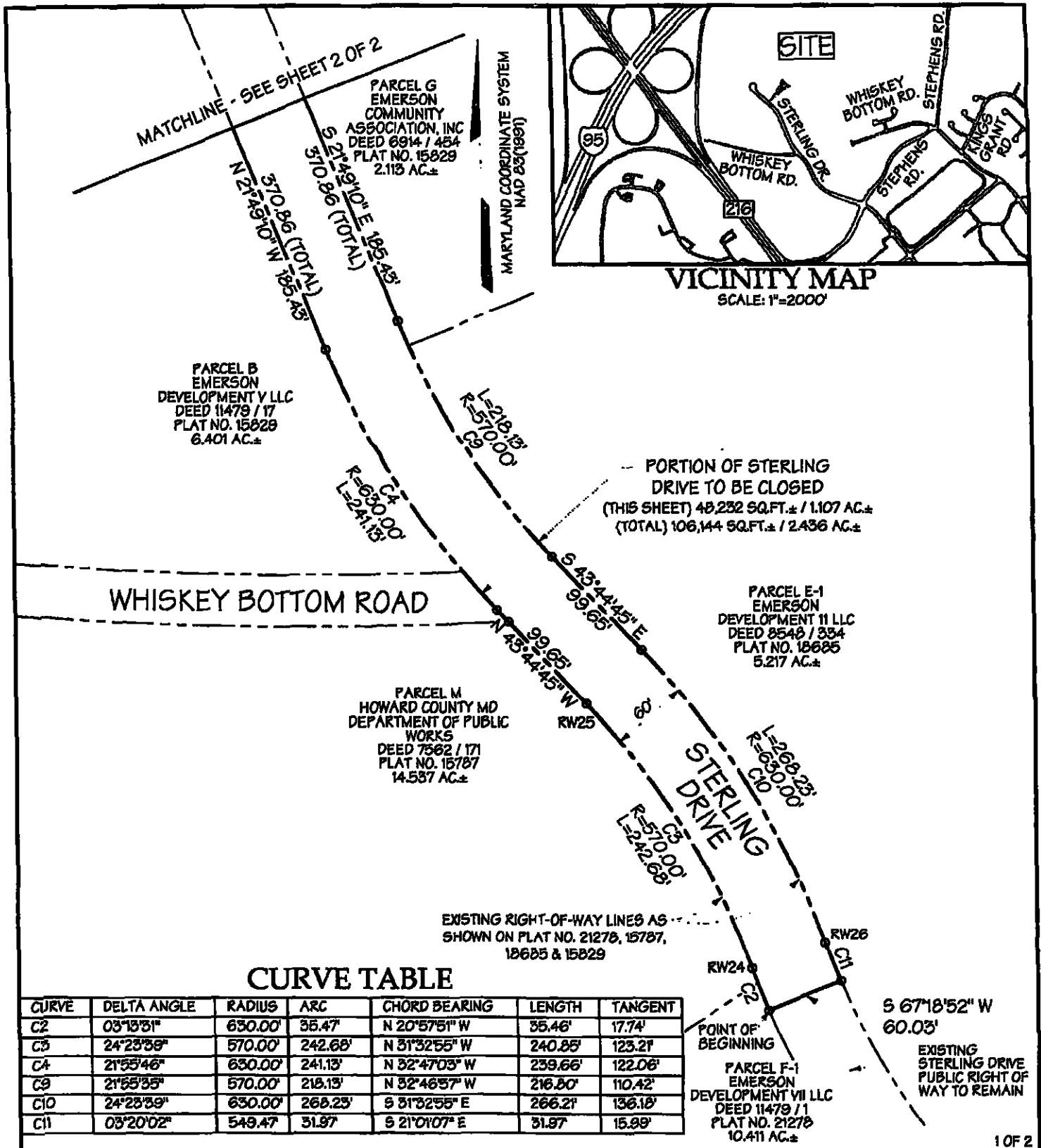
18          **WHEREAS**, Section 4.201, "Disposition of Real Property", of the Howard County Code  
19       authorizes the County Council to declare that property is no longer needed for public purposes  
20       and also authorizes the County Council to waive advertising and bidding requirements for an  
21       individual conveyance of real property upon the request of the County Executive; and  
22

23          **WHEREAS**, the County Council has received a request from the County Executive to  
24       waive the advertising and bidding requirements in this instance for the conveyance of the County  
25       Property to Emerson Development HOA.  
26

27          **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,  
28       Maryland, this 28<sup>th</sup> day of July, 2011, that a public purpose is served by  
29       conveying the County Property comprising approximately 64.664 acres to Emerson  
30       Development HOA, as shown in the attached Exhibits A, B and C.  
31

1       **AND BE IT FURTHER RESOLVED** that, having received a request from the County  
2 Executive and having held a public hearing, the County Council declares that the best interest of  
3 the County will be served by authorizing the County Executive to waive the usual advertising  
4 and bidding requirements of Section 4.201 of the Howard County Code for the conveyance of  
5 the County Property to Emerson Development HOA.

6  
7       **AND BE IT FURTHER RESOLVED** that, if the County Executive finds that the land  
8 may have a further public use and that the County Property should not be conveyed, he may  
9 submit his findings and recommendations to the County Council for its consideration without  
10 being bound to convey the County Property in accordance with this Resolution.



**EXHIBIT PLAT**  
**SHOWING CLOSING OF A PORTION OF**  
**STERLING DRIVE**

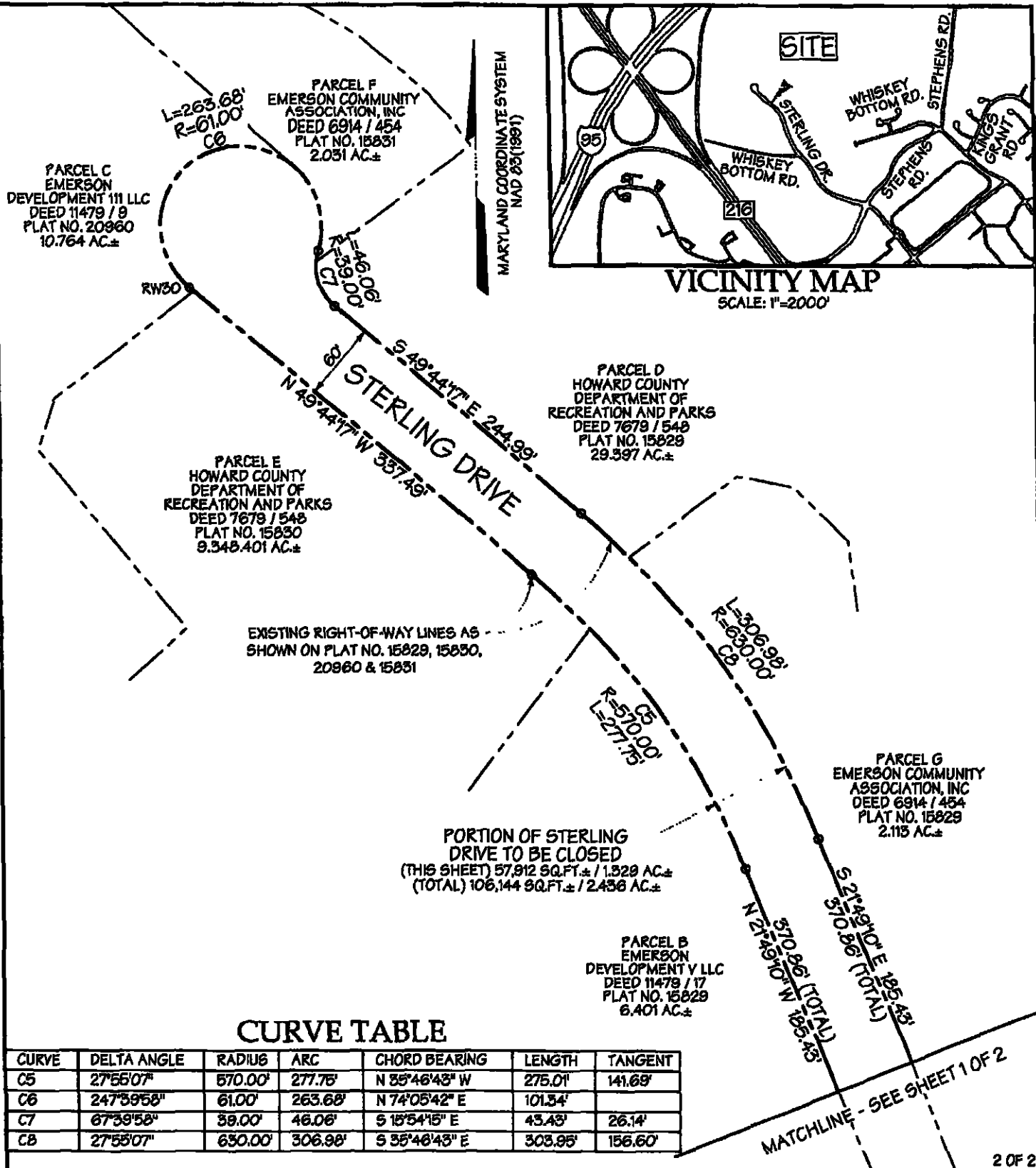
**DMW**

DAFT MCCUNE WALKER INC

300 EAST PENNSYLVANIA TOWNSHIP, MD 21286  
P: 410 298 3333 F: 410 298 4708 WWW.DMW.COM

A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,  
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

Field Crew: Scale: 1"=100' Date: 05-17-2011  
Drawn by: R.C. Checked by: M.D.M. Job No.: 95054.45



# EXHIBIT PLAT SHOWING CLOSING OF A PORTION OF STERLING DRIVE

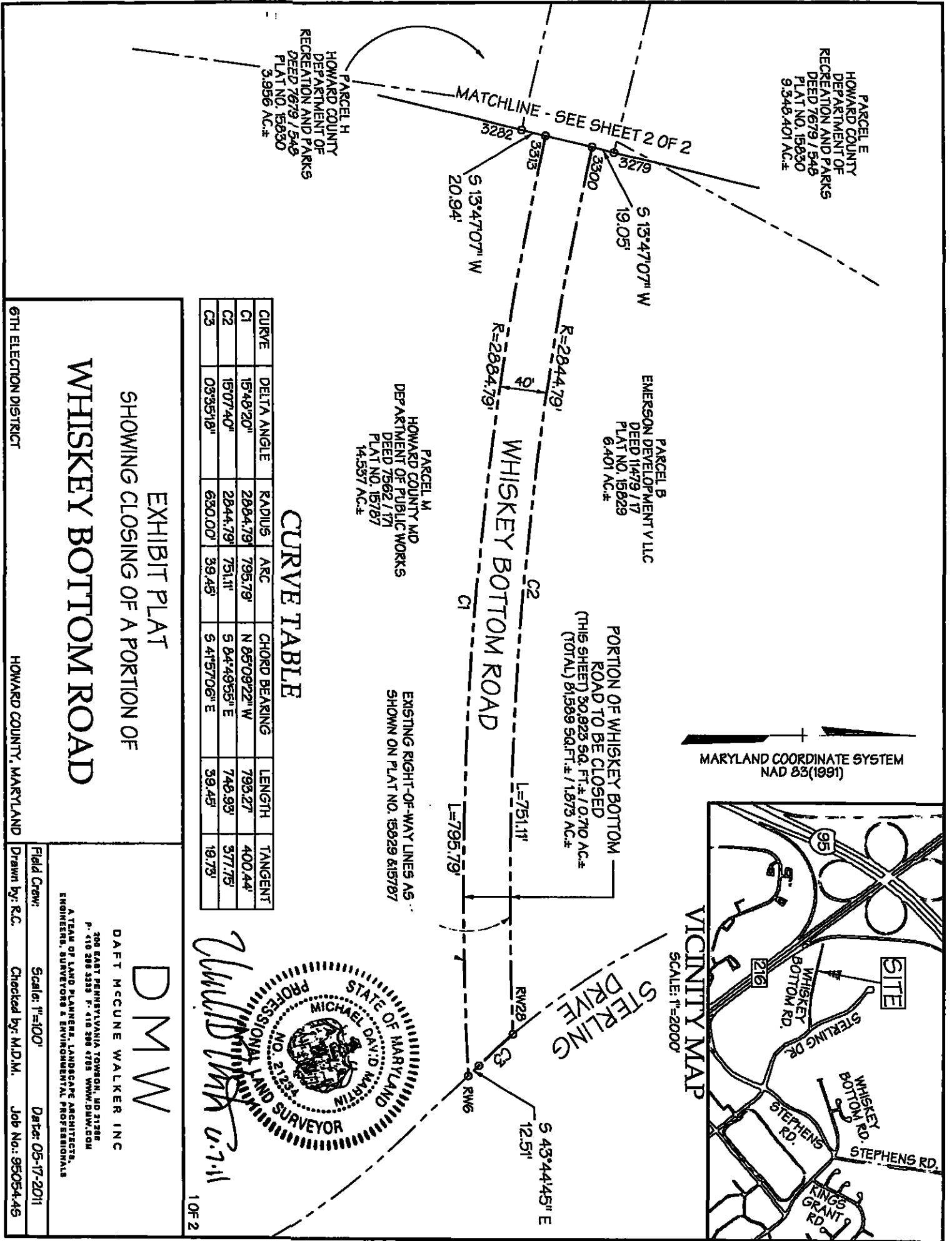
**DMW**

DAFT MCCUNE WALKER INC

200 EAST PENNSYLVANIA TOWSON, MD 21286  
P: 410 296 8335 F: 410 296 4765 WWW.DMW.COM

A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,  
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

Field Crew: Scale: 1"=100' Date: 05-17-2011  
Drawn by: R.C. Checked by: M.D.M. Job No.: 95054.45



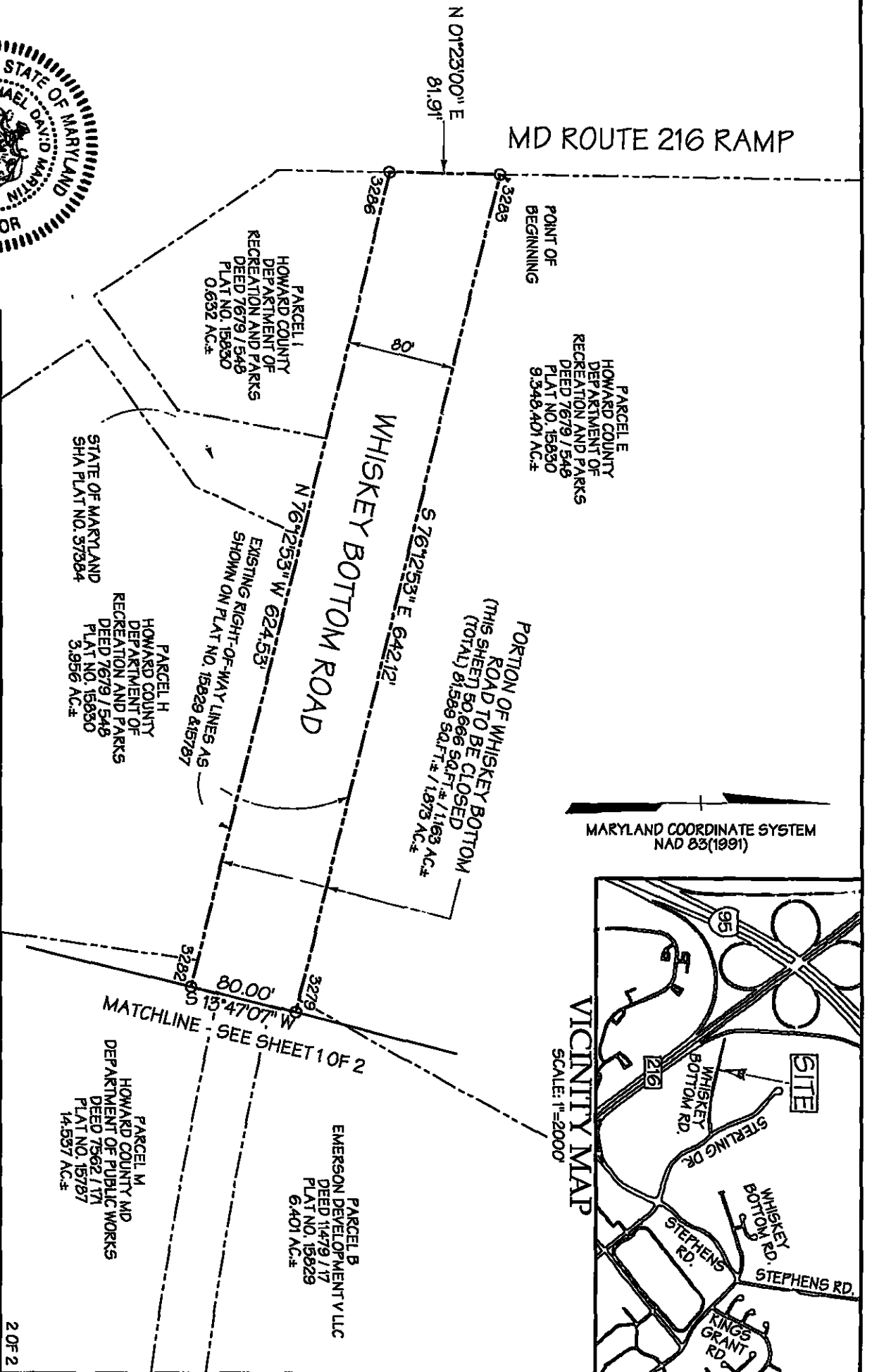


Job No.: 95054.45



200 EAST PENNSYLVANIA TOWNSHIP, MD 21288  
P: 410 288 3333 F: 410 288 4705 WWW.DMW.COM

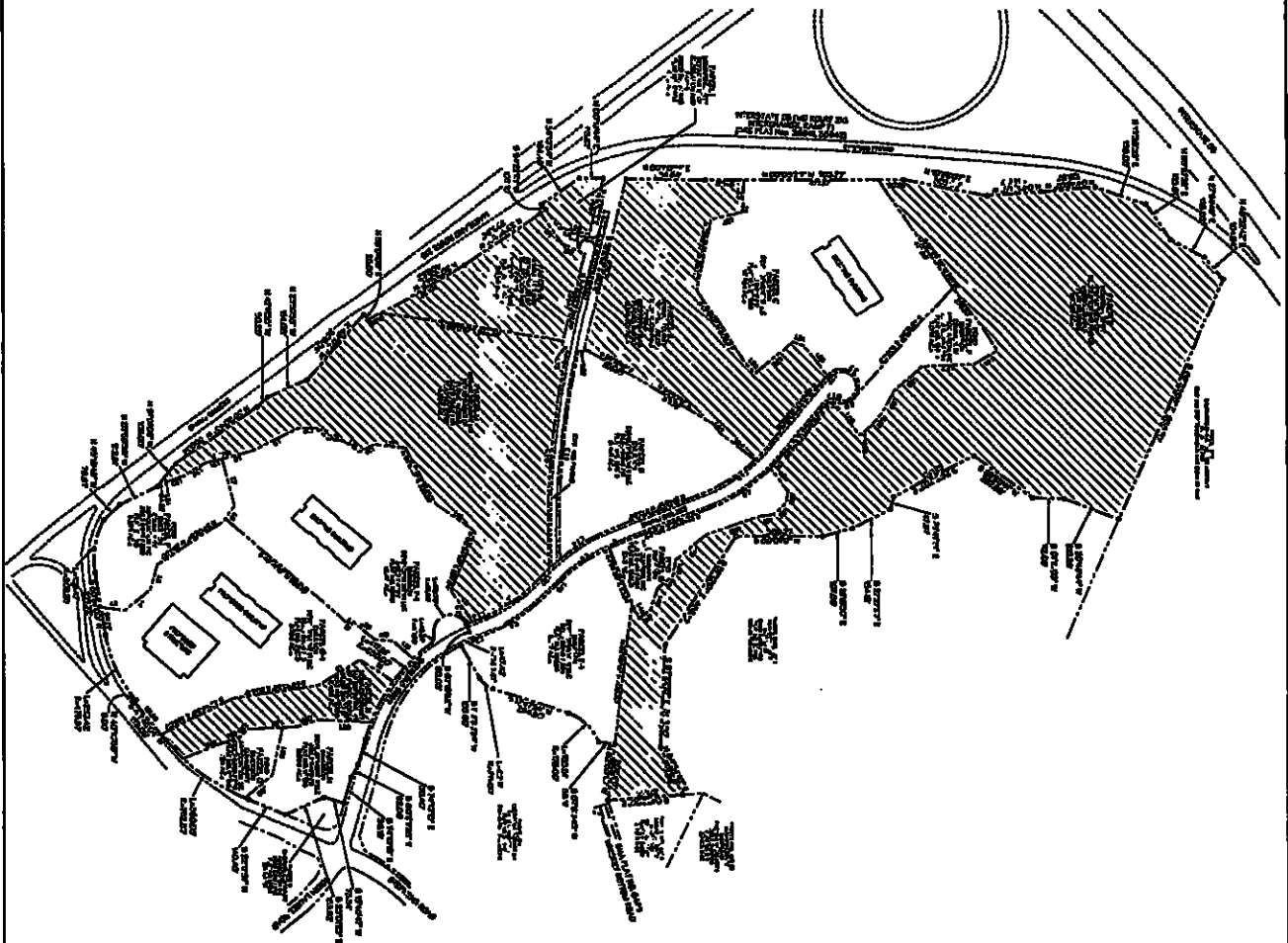
**A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,  
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS**





LINE TABLE

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<p><b>DMW</b></p> <p>DRAFT RECORD PLANS - NC</p> <p>1/4 SECTION 3 AREA 1</p> <p>RENTZ PROPERTY</p> <p>ON MAP OF PARCELS 30-100-001</p> <p>EMERSON SECTION 3 AREA 1</p> <p>RENTZ PROPERTY</p> <p>ON MAP OF PARCELS 30-100-001</p>		<p>GRAPHIC SCALE</p> <p>0 10 20 30 40 50 60 70 80 90 100</p>
<p>DATE: 11-1-2007</p> <p>DRAWN BY: J. J. JONES</p> <p>CHECKED BY: J. J. JONES</p> <p>APPROVED BY: J. J. JONES</p>	<p>SCALE: 1"=200'</p> <p>DATE: 11-1-2007</p> <p>DRAWN BY: J. J. JONES</p> <p>CHECKED BY: J. J. JONES</p> <p>APPROVED BY: J. J. JONES</p>	<p>PROJECT: 11-1-2007</p> <p>DATE: 11-1-2007</p> <p>DRAWN BY: J. J. JONES</p> <p>CHECKED BY: J. J. JONES</p> <p>APPROVED BY: J. J. JONES</p>

